

Minister Whately,
Minister for Social Care



Department
of Health &
Social Care

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Catherine McKenna
Area Coroner for the Coroner's Office of Manchester North
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Rochdale, OL16 1AT

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13 June 2024

Dear Catherine Mckenna,

Thank you for your coroner's report of 5th April 2024, to the Secretary of State for Health and Social Care, Victoria Atkins about the death of Carole Ann Mather. I am replying as Minister with responsibility for mental capacity policy.

Firstly, I would like to say how saddened I was to read of the circumstances of Mrs Mather's death, and I offer my sincere condolences to her family and loved ones.

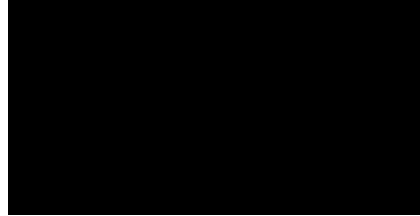
Your report highlights concerns about the assessment of the mental capacity of patients who have a chronic dependence on alcohol and how the decisions patients make can involve behaviours that raises their risk of their death. Generally speaking, if a person has mental capacity to make a decision to discharge themselves from hospital, their decision must be respected.

If a patient was found to not have the mental capacity to discharge themselves, and they are or will be deprived of their liberty, then the hospital may need to consider whether to use the Deprivation of Liberty Safeguards (DoLS), under the Mental Capacity Act 2005. The DoLS can authorise the deprivation of liberty of a person being accommodated in a hospital or care home for the purpose of providing care or treatment. Any such restrictions placed on a person in these circumstances must be in their best interests and necessary and proportionate. Decision makers should therefore make full consideration as to whether less restrictive options, such as appropriate support packages, can be implemented in place of DoLS authorisation.

You also raised concerns about the lack of guidance that is available for health and social care practitioners to address the application of legal frameworks to protect

patients with a chronic dependence on alcohol. All bodies with legal duties under the MCA's Deprivation of Liberty Safeguards must continue to operate these safeguards to ensure the rights of people without the relevant mental capacity are protected. Practitioners are required to stay up-to-date with the relevant case law.

Thank you for bringing these concerns to my attention.



Helen Whately